



# Maryland

## Department of Economic & Employment Development

*William Donald Schaefer, Governor  
J. Randall Evans, Secretary*

*Board of Appeals  
1100 North Eutaw Street  
Baltimore, Maryland 21201  
Telephone: (301) 333-5032*

*Board of Appeals  
Thomas W. Keech, Chairman  
Hazel A. Warnick, Associate Member  
Donna P. Watts, Associate Member*

**— DECISION —**

	Decision No.:	685-BR-91
	Date:	June 10, 1991
Claimant: Horace Staples	Appeal No.:	9014522
	S. S. No.:	
Employer: Giant Food. Inc.	L. O. No.:	1
	Appellant:	CLAIMANT
Issue:	Whether the claimant left work voluntarily, without good cause, within the meaning of Section 6(a) of the law.	

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**— NOTICE OF RIGHT OF APPEAL TO COURT —**

YOU MAY FILE AN APPEAL FROM THIS DECISION IN ACCORDANCE WITH THE LAWS OF MARYLAND. THE APPEAL MAY BE TAKEN IN PERSON OR THROUGH AN ATTORNEY IN THE CIRCUIT COURT OF BALTIMORE CITY, IF YOU RESIDE IN BALTIMORE CITY, OR THE CIRCUIT COURT OF THE COUNTY IN MARYLAND IN WHICH YOU RESIDE.

THE PERIOD FOR FILING AN APPEAL EXPIRES July 10, 1991

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**— APPEARANCES —**

FOR THE CLAIMANT: FOR THE EMPLOYER:

**REVIEW ON THE RECORD**

Upon review of the record in this case, the Board of Appeals affirms the decision of the Hearing Examiner.

should be compared with the statutory standards of "good cause" and "valid circumstances." If a claimant does not prove any credible reason why he quit, a conclusion should be made that the claimant has failed to meet his burden of proof of showing that good cause or valid circumstances exist.

#### FINDINGS OF FACT

The claimant was employed from January 1, 1990 as a grocery clerk at a pay rate of \$7.40 per hour for part-time, between sixteen and twenty-nine hours per week, employment. His last day of work was April 30, 1990. He did not complete his work shift on that date because he suffered from a severe pain which at the time he believed was a tooth-ache.

He reported this to the person in charge and left the work site to seek medical help. On the next day, he saw his treating physician who determined that the claimant was suffering from a reoccurrence of an injury which he had sustained in April, 1989 while working for another employer. At that time, he suffered from a Thoracic and Lumbosacral strain. The claimant continued the medical treatment prescribed at that time. He presented no medical "update" of his situation at the appeal hearing. The claimant, believing that his number of absences, three meant his job would end, did not inform the employer of his situation. When contacted by the employer on or about May 21, 1990 and instructed on the procedure to follow to return to his place of employment. He did not do so. He did not provide the employer with an adequate reason for his failure to comply. As above stated, the claimant provided no medical verification of the original injury in April, 1989, but no medical documentation of his condition thereafter.

#### CONCLUSIONS OF LAW

It is held that the claimant voluntarily quit his employment for reasons which do not constitute good cause, for so doing within the meaning and intent of Section 6(a) of the Maryland Unemployment Insurance Law in that his reasons for leaving was not with good cause directly attributable to the employer and/or the employment. It is further held that valid circumstances sufficient to warrant a weekly disqualification have not been presented in that the claimant presented no updated medical verification of the situation which he contends caused him to separate from the employment. The determination of the Claims Examiner was warranted and will be affirmed.

#### DECISION

The claimant voluntarily quit his employment without good cause within the meaning of Section 6(a) of the Maryland Unemployment Law.

Benefits are denied for the week beginning April 29, 1990 until he becomes re-employed, earns at least ten times his weekly benefit

amount (\$2150) and thereafter becomes unemployed through no fault of his own.

The determination of the Claims Examiner is affirmed.



P. J. Hackett  
Hearing Examiner

Date of Hearing: 02/25/91  
dma/Specialist ID: 01063  
Cassette No.: 9444  
Copies mailed on to: 03/12/91

Claimant  
Employer  
Unemployment Insurance - Baltimore (MABS)



# Maryland

## Department of Economic & Employment Development

*William Donald Schaefer, Governor*  
*J. Randall Evans, Secretary*

*William R. Merriman, Chief Hearing Examiner*  
*Louis Wm. Steinwedel, Deputy Hearing Examiner*

*1100 North Eutaw Street*  
*Baltimore, Maryland 21201*

*Telephone: 333-5040*

REMAND

**— DECISION —**

Claimant:	Horace Staples	Date:	Mailed: 03/08/91
		Appeal No.:	9014522
		S. S. No.:	
Employer:	Giant Food, Inc.	L.O. No.:	01
		Appellant:	Claimant

Issue: Whether the unemployment of the claimant was due to leaving work voluntarily, without good cause, within the meaning of Section 6(a) of the Law.

**— NOTICE OF RIGHT TO PETITION FOR REVIEW —**

ANY INTERESTED PARTY TO THIS DECISION MAY REQUEST A REVIEW AND SUCH PETITION FOR REVIEW MAY BE FILED IN ANY OFFICE OF THE DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT, OR WITH THE APPEALS DIVISION, ROOM 515, 1100 NORTH EUTAW STREET, BALTIMORE, MARYLAND 21201, EITHER IN PERSON OR BY MAIL.

THE PERIOD FOR FILING A PETITION FOR REVIEW EXPIRES AT MIDNIGHT ON

March 27, 1991

**— APPEARANCES —**

FOR THE CLAIMANT:

Claimant-Present

FOR THE EMPLOYER:

E. D. Homstad,  
 Personnel  
 Manager

**REMAND**

This matter is remanded to Hearing Examiner Hackett for a new decision, without a new hearing.

The conclusions of law are insufficient. Conclusions of law should state the facts on which they are based.

In a voluntary quit case, the reason that the claimant quit

The Hearing Examiner issued her first decision on December 13, 1990. This decision was appealed to the Board of Appeals, which remanded this case to the Hearing Examiner with instructions to issue a new decision incorporating sufficient conclusions of law. The Hearing Examiner issued a new decision on March 8, 1991. The claimant again appealed the decision to the Board, alleging that the Hearing Examiner "issued an identical determination."

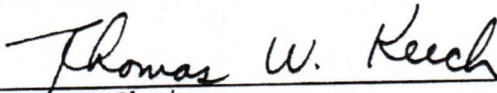
Since the claimant's reasons for leaving the job were not connected in any way with the conditions of employment, they cannot constitute "good cause" within the meaning of Section 6(a) of the law. Personal problems, such as an illness unrelated to the present employment, can be "valid circumstances," justifying a lesser penalty, if those circumstances are necessitous or compelling, and if these circumstances leave the employee with no reasonable alternative other than to leave the employment.

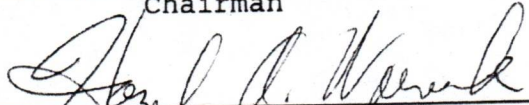
The claimant has failed to meet his burden of proving that his medical condition was sufficiently serious so as to leave him no reasonable alternative other than to leave his job. Valid circumstances cannot be found, and the maximum penalty must be applied.

#### DECISION

The claimant left work voluntarily, without good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. He is disqualified from receiving benefits from the week beginning April 29, 1990 and until he becomes re-employed, earns at least ten times his weekly benefit amount (\$2,150), and thereafter becomes unemployed through no fault of his own.

The decision of the Hearing Examiner is affirmed.

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Associate Member

K:HW

kbm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - BALTIMORE